

REMARKS

Claims 1-16 are pending. Claim 1 is amended and no new matter is added. Support for the amendment to claim 1 can be found, for example, in the specification pages 11-12.

Reconsideration based on the foregoing amendments and the following remarks is respectfully requested.

The application claims priority to foreign applications JP-2002-254478 and JP-2002-254491 filed August 30, 2002. Applicant requests that the Examiner acknowledge the claim for foreign priority under 35 U.S.C. §119 and acknowledge that the certified copies of the priority documents have been received. A copy of the Notice of Acceptance is enclosed as evidence that the certified copies were received.

Claims 1-5 were rejected under 35 U.S.C. §112, second paragraph. Claim 1 has been amended responsive to the Examiner's suggestion.

We therefore respectfully request the rejection be withdrawn.

Claims 4, 5 and 9 were objected to under 37 C.F.R. §1.75(c) as being in improper form. In a telephone call on December 13, 2006, Examiner Pham acknowledged that he prosecuted the wrong set of claims. A Preliminary Amendment was filed on February 25, 2005 correcting claims 4, 5 and 9 and therefore the objection is moot.

We therefore respectfully request the objection be withdrawn.

Claims 4, 5, 9 and 10-16 were not rejected on the merits and therefore Applicants appreciate the indication of allowable subject matter thereof.

Claims 1-3, 6 and 7 were rejected under 35 U.S.C. §102(e) over Fischer et al. (U.S. Patent No. 6,690,271). The rejection is respectfully traversed.

With respect to independent claim 1, Fischer does not teach a transmitter, wherein a rotational speed of a wheel is detected, and data indicating the condition of the wheel is sent

from said transmitter to a receiver at intervals proportional to the detected rotational speed of the wheel.

Fischer teaches that the transmitter units (7a, 9a, 11a and 13a) transmit at predetermined times a brief frequency-modulated or phase-modulated signal (col. 6, line 52). Furthermore, Fischer teaches that when the sensor detects no acceleration or revolution of the wheel, the transmitter switches into assignment mode and continues to emit signals at shorter intervals (col. 7, lines 24-30). As is understood by one skilled in the art, proportional implies a relationship between quantities such that *if one varies then another varies in a manner dependent on the first*. On the other hand, Fischer teaches transmitting at predetermined times independent of the rotational speed of the wheel, and is therefore not proportional to the speed of the wheel. Furthermore, when a revolution of the wheel is not detected, Fischer teaches that the sensor continues to emit at shorter intervals and therefore does not teach transmitting at intervals proportional to a detected rotational speed of a wheel, as recited in claim 1. In other words, because Fischer teaches transmitting at either of two fixed intervals (one when moving, and one when stopped) it cannot teach transmitting at intervals proportional to the detected rotational speed of the wheel, as recited in claim 1.

With respect to independent claim 6, Fischer does not teach a transmitter, wherein data is sent a predetermined number of times at a transmission interval for a specified cycle that assumes a high speed range, and also at a transmission interval of a second cycle that assumes a low speed range that is longer than the first cycle.

Fischer teaches detector units (7, 9, 11 and 13) that transmit at random time intervals (col. 7, line 13) so long as acceleration and revolution of a wheel are detected. However, if no acceleration or revolution of a wheel are detected for a specified time period, Fischer teaches that detector units continue to emit at short intervals (col. 7, lines 25-30).

Therefore, Fischer does not teach transmitting data a predetermined number of times because the signals in Fischer are sent out by each detector unit as individual signals and at a random time intervals which cannot be said to be a transmitter transmitting a signal a predetermined number of times at a set frequency. Furthermore, Fischer teaches that at the low speed range (when no revolutions are detected), the transmitter transmits at shorter intervals in order to accurately detect the moment at which the wheel begins movement (col. 7, lines 29-37), which is the opposite of claim 6, where an interval for a low speed range is longer than the transmission interval at the high speed range.

We therefore respectfully request the rejection be withdrawn.

Claim 8 was rejected under 35 U.S.C. §103(a) over Fischer. The rejection is respectfully traversed.

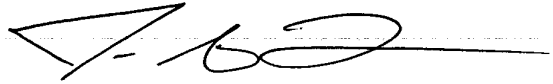
As described above, Fischer does not teach the deficiencies of claim 6 nor the further limitations recited therein. Therefore, Fischer does not support a rejection under 35 U.S.C. §103(a).

We therefore respectfully request the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:
Notice of Acceptance

Date: February 21, 2007

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